

FILED
U.S. DISTRICT COURT
DISTRICT OF MASS.

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

United States of America
Plaintiff

v.

Szeto Sui Fong A/K/A/
Ah Fong, Bike Fong,
Crippled Fong, Paul Szeto

Defendant

Case No:

93-10352-07NMG

04-40025-NMG

Defendant's Motion to Vacate Convictions and Withdraw Guilty Plea

Now comes the Defendant(s) Szeto Fong, by and through pro-se, and respectfully moves that this Honorable Court under **Habeas Corpus 28 U.S.C. & 2255 and Coram Nobis**, in the interest in Justice and Due Process, and consistent with the colloquy required by **Fed. R. Crim. P.11**, at this time, vacate his convictions entered in connection with the above-captioned docket-numbered matters.

As grounds therefore, the Defendant states that he has served the sentence imposed by this Honorable Court, he was not given an appropriate, satisfactory warning within the meaning and intent of colloquy required by **Fed. R. Crim. P. 11**. Additionally, the convictions that the Defendant seeks vacated carried unforeseen immigration consequences that were never intended by this Honorable Court. Defendant's attorney failed to advise him that, as a consequence of his convictions, his deportation would be mandatory, pursuant to the Immigration Act of 1996, or that he would be

WILING FEE PAID:
SEARCHED 404271
INDEXED 5700
SERIALIZED SG Jones
FILED 2-19-04

prevented from re-entering the United States should Defendant have choose to travel abroad in Violation of Defendant's Fifth and Sixth Amendment which gives the Defendant the right to Due Process and the effective assistance of Counsel.

Accordingly, the Defendant's guilty plea and prejudice, the Defendant's guilty plea and or admissions were not voluntary and knowing. Lastly, Defendant's imminent deportation would offend due process as it amounts to punishing the Defendant twice for the same crime and the Court has the ability to correct: (a) a Constitutional error occurred in the conviction; (b) Defendant suffered prejudice, i.e., it is reasonably possible a more favorable outcome would have occurred but for the error and (c) the error is currently resulting in Deportation, the mistake under 28 U.S.C. & 2255 or Coram Nobis.

Respectfully Submitted,



Szeto Sui Fong (Pro-se)

c.c.

copy